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THE CHRISTIAN LAW

CONCERNING

MARRIAGE AND DIVORCE;

A SERMON

PREACHED AT

THE CHURCH OF THE ADVENT, BOSTON,

SUNDAY, APRIL 16,

AND AT

ST. ANNE'S CHURCH, LOWELL, MASS.

SUNDAY, MAY 7,

In Eastertide, 1882.

BY

A. C. A. HALL, M. A.,

(Of the Society of S. John the Evangelist)

ASSISTANT RECTOR OF THE CHURCH OF THE ADVENT.

A. WILLIAMS & CO.,

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PREFACE.

THIS Sermon was prepared and preached in obedience to a general request made by the New England Divorce Reform League. It is published, at the request of friends whose judgment is of weight, in the hope that its circulation may help towards creating in the community a higher and truer standard of thought concerning this most important subject. The Sermon makes no pretence to originality. Its design, whether as a sermon or a tract, is simply to give a clear statement of the Christian doctrine concerning marriage; and to bring together from reliable sources, and present in a convenient form, facts which are not generally realized, concerning the actual practice which prevails around us.

It has been pointed out as "a fact demanding the most earnest notice, that Christ, who declined to interfere with the political and social relations of men, appears to have gone out of His way to legislate upon the family connection."

The loose ideas which are commonly entertained respecting conjugal duties and responsibilities must be attributed in no small degree to the failure of the Christian Church, or of large portions thereof, to bear faithful witness, either by the enforcing of discipline or by careful teaching, to the mind and words of the Master.

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In support of the stricter interpretation, advocated in the Sermon, of the saving clause in St. Matthew xix. 9, the preacher would refer to the full discussion of the question in Döllinger's "First Age of the Church," Oxenham's translation, pp. 362 sq., and Appendix III.; to the Sermon on "Christ and Human Law," with the appended note, in Dr. Liddon's University Sermons, second series (Dutton & Co.); to Bishop Andrewes' "Discourse against Second Marriage after Divorce," in the volume of the Anglo-Catholic Library containing his minor works; and to Dr. Pusey's note on Malachi ii. 15, in his Commentary on the Minor Prophets.

The other view (followed by the canon of the Episcopal Church) is defended in Dr. Hugh Davey Evans' valuable treatise on "The Christian Doctrine of Marriage" (New York, Hurd & Houghton), while evidence that the stricter rule was not universally followed in early Christian times will be found in a note on the subject in the translation of Tertullian, Vol. I., in the Oxford Library of the Fathers.

The statistics as to Marriages and Divorces in New England are taken from President Woolsey's "Divorce and Divorce Legislation" (second edition, Scribner, 1882); from Dr. Nathan Allen's paper on Divorces in New England in the "North American Review" for June, 1880; and from an article by the Rev. Samuel W. Dike, in the New York *Independent* for Feb. 16, 1882, entitled "Certain Crimes in Massachusetts."

SERMON.

ST. LUKE XX. 34–36.

"JESUS said, The children of this world marry, and are given in marriage: but they which shall be accounted worthy to obtain that world, and the resurrection from the dead, neither marry, nor are given in marriage: neither can they die any more: for they are equal unto the angels; and are the children of God, being the children of the resurrection."

THESE words form part of our Lord's answer to a question put to Him by the Sadducees on one of the early days of the week before His Passion. Disbelieving in the resurrection, and apparently in any after-life,* the Sadducees, who represented the cultured, easy living materialism of the day, sent a deputation to Jesus, and, with the view of upsetting and rendering ridiculous His teaching concerning the resurrection, propounded to Him a supposed case—made as extreme as possible for the sake of a *reductio ad absurdum*—the case of a woman who had married seven successive husbands, all of whom she outlived, and none of whom could by virtue of her having borne him children establish any special claim to her. "In the resurrection," they triumphantly asked, "whose wife shall she be of the seven? for they all had her."

Our Lord's answer contained a two-fold refutation and explanation of their folly. "Ye do err," He replied, "not knowing the Scriptures, nor the power of God." First, they were in ignorance of the real force

* Acts xxiii. 8.

of the Old Testament Scriptures (even of those which they received), for the words of God in the Pentateuch, in which He styles Himself "the God (now, as well as in the past) of Abraham, and Isaac, and Jacob," at least *imply* the continued existence, of those whose God He calls Himself, with apparently the ultimate restoration to its integrity of their two-fold life in body and soul; "since He is not a God of the dead, but of the living."

And then also in this second part of our Lord's answer, which is given most fully in St. Luke, the Sadducees' error is shown to spring from an inadequate conception of "the power of God"—not merely of His ability to *restore* life to those to whom He first *gave* it, but also of the power of God working within our nature to raise it to a higher condition of being than that which now belongs to it, and which was all that the Sadducees seemed capable of apprehending.

Thus we come directly to the consideration of the meaning of the text.

Denying the existence of angel or spirit the Sadducees could not conceive of any human fellowship in the life of the resurrection except such as reproduced the relations and conditions of this earthly life.

This fundamental mistake, the unspirituality of their view, which in their case led to *disbelief* in the resurrection, is the same which leads the Mahometan, and, in a lesser degree and somewhat different manner, the Swedenborgian, to a *perverted misrepresentation* of the after life, as a gross and sensual perpetuation of life under its present conditions.

In opposition to this Jesus insists upon the contrast between human life as we now experience it, and as it shall be in its perfected condition. He teaches the

absence from the resurrection life of the definite relations on which marriage rests in this. And He adds a reason for this change, "For neither can they die any more." That is, marriage in this sense, of a sensual union, will cease, because its need will cease, to supply the gaps caused by death, which will be no more. The number of the elect having been completed and there being no more death, there will be no need of the renewal of the race by means of marriage. With the cessation of the need the provision for its supply also comes to an end.

But this of course only excludes those physical conditions of marriage which are associated with the natural body. *All such* relations of marriage will cease. The body which is sown a natural body will be raised a spiritual body. The Apostle, in the familiar passage of our Burial Lesson,* does but echo and expand the teaching of Christ in the text. "Flesh and blood" (says St. Paul)—that is, our bodies in their present gross condition—"cannot inherit the kingdom of God." "We must all be changed." "This corruptible must put on incorruption." "As we have borne the image of the earthy, we shall also bear the image of the Heavenly."

So our Lord: "The children of this world marry, and are given in marriage: but they which are accounted worthy to obtain that world and the resurrection of the dead neither marry, nor are given in marriage; but are as the angels of God."

All that is simply of the earth will be laid aside. Our Lord's words by no means necessarily imply the abolition of those differences of character which mark

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* 1 Cor. xv. 44, 50, &c.

the sexes as they distinguish individuals; certainly not the loss of the pleasure and happiness which we find in pure human intercourse; nor again the destruction of a spiritual union, of the continued, unended, and unending relation, and special oneness, which may exist between those who have been so united in earthly life as to be not merely "one flesh," but in a sense "one spirit" also, who have grown together in moral and spiritual sympathies, imparting to one another of the gifts of each for mutual comfort and edification.

The union of parents and children, of friend with friend, of husband with wife, will last on in a *future* world so far, and only so far, as it belongs to that *higher* world over which death has no power, so far as they share those interests which survive the crash and shock of the dissolution of our lower nature, and our passing away from earth. Blessed indeed it is to look forward to the survival, to the renewal, in higher expression, and freed from all that is lowering or disappointing, of unions begun here, to be perfected there, of unions based on that which passeth not away. What a motive, my Brethren, is this for the spiritualizing of our life, in all its relations! "The world and its lust passeth away,"* and unions, domestic or social, for business or political life, which are merely of the world worldly, of the earth earthy, founded on or for the sake of convenience, or worldly gain, or sensual delight, will pass away with those interests on which they rested.

At the same time it must be remembered that their results, the effects on our character, on our own personal being, will remain—like the Wound-prints in the Risen Body of Jesus, marks of glory and victory, or scars of disgrace and shame.

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* 1 St. John ii. 17.

Let us endeavour then to have our marriage unions, our friendships, really "in the Lord";* to uphold a high standard of human intercourse; to cherish the spiritual side of all human relationships; to seek that this may be the predominant element, at any rate that it may never be altogether absent. Man is taken up by God out of the dust of the earth, that he may have his place among the princes,† "the first-born sons of light," the angelic intelligences with whom he is allied by his own spiritual being; alas! alas! that he should so often be content to sink down, in the indulgence of his lower nature, to the level of the beasts that perish.

These, my Brethren, are thoughts appropriate to the Easter Festival. For the great spiritual lesson of this season is that like Jesus our Lord during these Forty Days between His Resurrection to a new kind of life and His Ascension into Heaven, so we, during our time of probation here, are to live *in* the world as not *of* it, in the power of our regenerate life, born anew from above,—quickened from a death of alienation from God to serve Him in pureness of living and truth."‡

The special reason for my choice of this subject on which to speak to you to-day, was a request made by the "New England Divorce Reform League" (of which body the Governor of Massachusetts is a Vice President, and the Bishop of our Diocese one of the Executive Committee) to all ministers in New England, both Catholic and Protestant, that, either on the State Fast Day or on the nearest suitable Sunday, we would call the attention of our congregations to the great and

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* 1 Cor. vii. 39.
† Ps. cxiii. 6, 7.
‡ See Eph. ii. 5; Rom. vi. 1–13; St. John iii. 3.

spreading evils which threaten all the best interests of the country from the growing disregard of the Christion Law of Marriage, especially with regard to Divorce; and that we would enlist the sympathy, and when possible the coöperation of Christian people with the efforts which are being made by this League and by similar associations to check the downward tendency.

With a feeling of hearty thankfulness that at last the minds of many, and of prominent men in different religious bodies, seem to be awakened to the supreme importance of the subject, I gladly comply with this request. And in doing so, I desire first to set before you *the Christian Law of Marriage* as laid down in the New Testament, and as received by our own Church; and then by way of contrast to give you some idea of *the actual practice of our country.*

A celebrated French statesman of the last century used to say, "We need to have Marriage preached to us, and true Marriage."* If this was needful in France in the 18th century, it is certainly not less necessary in New England in the 19th. The importance of the subject not only for individuals, but for society at large and for the country, cannot be over estimated. The purity of the household is the salt of our civilization. The true life of every nation keeps pace with the purity of the family.

I.

First, then, let us understand clearly *the Christian doctrine of marriage.*

God's law of marriage is this:—*The union of one man*

* M. Turgot, quoted in Père Hyacinthe's Conferences on The Family and the Church. English translation, p. 23.

*with one woman, to the exclusion of all others on either side, until death.**

Our Lord's teaching on the subject is given in the sermon on the Mount (St. Matt. v. 31, 32), and also in a discussion with the Pharisees, which is recorded by the first three Evangelists—St. Matt. xix. 3–9; St. Mark x. 2–12; St. Luke xvi. 18.

The teaching of all these passages is concisely given in the one verse of St. Luke:

> "Whosoever putteth away his wife, and marrieth another, committeth adultery; and whosoever marrieth her that is put away from her husband, committeth adultery."

Here you see is an absolute rule. Marriage once contracted is not to be dissolved by either party or for any cause. It is a life-long union. It is, as our marriage service phrases it, "for better, for worse; for richer, for poorer; in sickness and in health, till death us do part."

Our Lord at one stroke sweeps away and abrogates all those exceptions and dispensations which "for the hardness of men's hearts" had been conceded, whether authoritatively by Moses or by subsequent interpreters of the Law. He restored the institution of marriage to its original design and purity.

"Have ye not read," Jesus replied to the Pharisees, who "tempting" Him asked, "Is it lawful for a man to put away his wife for every cause?" "Have ye not read, that He which made them at the beginning made them male and female, and said, For this cause shall a man leave his father and mother, and shall cleave unto his wife; and they twain shall be one flesh? Wherefore they are no more twain, but one flesh. What there-

* See a Sermon on Christian Marriage, in The Two Estates, by Rev. Morgan Dix, D.D. Lecture II.

fore God hath joined together, let not man [no human authority] put asunder."*

It is true that in St. Matthew's Gospel *one apparent exception* to the general rule of the absolute indissolubility of marriage is found; "saving for the cause of fornication," the Lord says.

Now of this clause there are two interpretations.† One, that it is intended to allow Divorce (the absolute putting away of a partner) *for the one specific cause of proved adultery*, this sin being regarded as in itself a dissolution of the marriage bond. This is the interpretation of our Lord's words followed by the Episcopal Church in this country, and by Protestant bodies generally, with indeed some older authorities; but it is *against* the general tradition of antiquity and against the rule of the whole Roman Catholic and the English Church,‡ which hold that *a marriage once validly contracted cannot for any cause be dissolved*, nor can either party under any circumstances contract a second union during the life time of the former partner without being guilty of adultery. These words of our Lord, "saving for the cause of fornication," would then be regarded as referring to an entirely distinct matter, the existence at the time of the marriage of an impediment which being subsequently discovered vitiated the contract. It is meant that the subsequent discovery of antenuptial unchastity in the woman, unacknowledged before, would make it lawful for the man to put her away. The deceit rendered the marriage contract invalid.

This clause then would give no exception to the general

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* St. Matt. xix. 3–6. † See Preface.

‡ See Dictionary of Doctrinal and Historical Theology, by J. H. Blunt, Art. "Divorce," for the conflict between the Church and the State in England on this subject.

rule of the indissolubility of the marriage bond, but simply deals with the case of a marriage which might be annulled by reason of an existing impediment which rendered it invalid, just as the subsequent discovery of any other impediment to a marriage, as that the parties were within the prohibited degrees of kindred,* or in the case of a bigamist the fact of another husband or wife being still living; any of these would render the marriage invalid and would call for a divorce, not in the sense of a *dissolution* of marriage, but as a judicial declaration that marriage had never been rightly contracted.

This, which may be called the stricter interpretation of our Lord's words, is (as I believe) to be preferred not only as supported by the highest authority, but as giving to the term "*fornication*" its proper meaning of incontinence in the unmarried, instead of treating it as equivalent to "adultery" or unfaithfulness in the married, from which it is in the New Testament as elsewhere constantly distinguished; and as accounting for the omission of the saving clause by St. Mark and St. Luke, which would seem unaccountable if it were intended to be a real modification of the Divine Law.

Speaking for myself, I wish publicly to state that I would never give any personal sanction, direct or indirect, to a marriage in violation of this stricter law of the absolute indissolubility of a rightly contracted marriage. Officially, of course I should have no right to refuse the sacraments to persons who had availed themselves of the laxer rule (in this one particular) allowed by our Church at present.

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* On the subject of Prohibited Degrees of relationship within which marriage is forbidden by God's Law, reference may be made to a pamphlet, "*Kindred and Affinity*": *God's Law of Marriage*, by William Croswell Doane, Bishop of Albany. (Pott and Young, 1880.)

But in any case (I beg you most carefully to mark this), even taking this laxer view of Christ's meaning in that particular clause, no possible permission can by any honest means be drawn from the Gospels beyond this permission to put away and divorce a guilty partner for the one cause of adultery, of proved and actual breach of marriage fidelity. Desertion, intemperance, cruelty, incompatibility of temper, or any of the other causes (there are nine at present in our own State) for which civil courts grant a *divorce*, an undoing that is of the marriage bond, are all excluded by Christ, however fairly some of these might plead for a judicial separation, which did not allow the possibility of another marriage. Accordingly the Episcopal Church in this country has laid down her rule in Canons, which are binding upon all her Clergy.

The Canon concerning Marriage and Divorce is this: *

"Section 1. If any persons be joined together otherwise than as God's Word doth allow, their marriage is not lawful.

"Section 2. No Minister, knowingly, after due inquiry, shall solemnize the marriage of any person who has a divorced husband or wife still living, if such husband or wife has been put away for any cause arising after marriage; but this canon shall not be held to apply to the innocent party in a divorce for the cause of adultery, or to parties once divorced seeking to be united again."

Section 3 requires that, except in case of a penitent person in imminent danger of death, the sacraments shall be withheld from persons married otherwise than as God's Word doth allow; and refers cases difficult of decision to the godly judgment of the Bishop.

Section 4 refers questions concerning the *facts* of any case arising under Sect. 2 to the Bishop.

Any Clergyman, Bishop, Priest or Deacon, acting contrary to these rules and allowing marriages which are here forbidden, does so entirely on his own re-

* Digest of the Canons of the Protestant Episcopal Church, Title II. Canon 13: "Of Marriage and Divorce."

sponsibility, not only without the sanction of the Church, but in direct violation of her law, and in disregard of his solemn pledge, "so to minister the Doctrine and Sacraments, and the Discipline of Christ, as the Lord hath commanded, and as this Church hath received the same."*

It must be a matter of great thankfulness, my Brethren, that we have this definite rule. It should be our endeavour and prayer to be so consistent in practice in this and in other matters, that our Church may form a rallying point for others who have not, but who feel the need of, a certain and fixed rule of Christian Faith and Christian Morals.

II.

Now having considered *the Christian doctrine* concerning marriage, and the Divine enactment—"Those whom God hath joined together, let not man put asunder,"—turn we to the other side, and see *the actual state of things* in what professes to be a Christian country. I ask your serious attention to some statistics (which if anything are probably within the truth) as showing the alarming downward drift in these matters all around us, following on a departure from God's Law. The figures seem to show the impossibility of drawing any line, and holding to it, other than that which God has Himself laid down. In our own State of Massachusetts in 1860 there were five causes for which divorce could be obtained, and a ratio of one divorce to fifty-one marriages. In 1878 the number of causes for which divorce was allowed had advanced

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* Service for the Ordering of Priests.

to nine; and the ratio of divorces to one divorce for twenty-one or twenty-two marriages. One *full absolute* divorce (mark you) to every twenty-two marriages registered in Massachusetts.

In other New England States the case was even worse:

In Vermont the ratio was 1 divorce to 14 marriages.
" Rhode Island, " 1 " " 12 "
" Connecticut, " 1 " " 11 "

New Hampshire showing about the same proportion, and Maine being worse still.

Some slight improvement, it is right to say, has been noted in the subsequent four or five years, owing to legislative modifications. But over against this there is another fact to be taken into account in the calculation, which makes the figures still more startling. It is this, that when we deduct from the total of marriages registered in the several States those contracted and celebrated by Roman Catholics, who (all honour to them, for their adherence in this respect at any rate to the literal observance of God's Word) allow *no* divorce; when we deduct the Roman Catholic marriages, we find that among Protestants, or non-Roman Catholics, the ratio of Divorces to Marriages runs up to as high a rate as

In Massachusetts, 1 to every 14 marriages.
Connecticut, 1 " " 8 "

Think of that, descendants of the Puritans! Ye whose fathers' boast (at any rate) it was that the Bible and the Bible only, without addition and without subtraction, was the Religion of Protestants. See what comes from giving the Sacred Volume to every man to be interpreted according as his own fancy, or ignorance, or presumption, or passion may

dictate. Verily it was not reserved for the Pharisees alone to make the Word of God of none effect through their tradition!

The practical result of this facility of Divorce is this, that in the New England States 2,000 families are broken up every year and 4,000 persons divorced. Truly it is an appalling consideration, whether we think of *the persons themselves* thus sinning, and thus exposed to fresh temptation, being almost shut out, by the opportunities allowed for fresh unions, from repentance and reconciliation; or whether we think of *the children* thus deprived of the natural shelter and training of a home; or whether again we consider the probable future of a *country* whose moral and social life is thus honey-combed.

A layman of authority on this subject (Dr. Nathan Allen of Lowell) has written: "Among no Christian or civilized people at this day do we find divorces sought and obtained to such an extent as in New England, and in only three instances in the history of nations can we find such a breaking up of the family by this means."*

You see the contrast. "Looked at from a Christian standpoint, marriage is in its nature and idea indissoluble. Looked at from a heathenish or atheistic standpoint (I quote the words of President Woolsey†) it is a contract which two persons badly joined together ought to be able to break, and enter into a new relation with other persons with whom they can [or think they can] be better satisfied."

You see the contrast; you see to which view not

* North American Review, June, 1880.

† "Divorce and Legislation."—By Theodore D. Woolsey. Second edition. Scribners. 1882. Page 263.

only loose practice but loose legislation inclines;—alas! not only here, though amongst ourselves we see the most signal illustration of the downward tendency. God grant that it may serve as a warning to other states and other lands!

III.

Now there are two objections to the line that has been taken which demand an answer, perhaps they would be better spoken of as difficulties which have a right to consideration.

1st. Persons may honestly *fear that a stricter law of divorce would only increase the number of sins against chastity* in our midst. Is it not better, it may be asked, to *regulate* evil when you cannot prevent it, rather than to let it run unchecked? But statistics (as well as the past experience of other nations) disprove this argument.

As marriage and divorce laws have been relaxed, and facilities for divorce increased, "crimes against chastity, morality and decency," have increased likewise. Let me ask you once more to note the significance of some figures:

In Massachusetts, from 1860 to 1870, during which time divorces have increased two and one-half times, while marriages have increased hardly four per cent., and while all convictions of crime (aside from so-called liquor cases) have increased hardly one-fifth, these "crimes against chastity, morality and decency" (convicted *i. e.* and publicly sentenced crimes—not simply sins never brought to the bar of human justice) are about three times as numerous as formerly.

The inevitable conclusion is that looseness of legislation suggests and encourages looseness of living.

2d. It is pleaded (and with a certain plausibility) that, desirable as a high standard of marriage and divorce undoubtedly is in general and in the abstract, yet that strict legislative enactments concerning the indissolubility of marriage bear very hardly upon individual cases,—as where a person is thus bound to an utterly worthless or perhaps cruel partner.

In reply to this objection I will simply read he words of two eminent secular authorities, entitled to respectful consideration, both on account of the weight of their opinions and as expressing the mind of thoughtful persons generally.

Hear the words of Mr. Joseph Hume on the subject:

"We need not (he says) be afraid of drawing the marriage knot the closest possible. The amity between the persons, where it is solid and sincere, will rather gain by it, and where it is wavering and uncertain, it will be the best expedient for fixing it. How many frivolous quarrels and disgusts are there, which people of common prudence endeavor to forget when they lie under the necessity of passing their lives together, but which would soon be inflamed into the most deadly hatred, were they pursued to the utmost, under the prospect of an easy separation. We must consider that nothing is more dangerous than to unite two persons so closely in all their interests and concerns as husband and wife, without rendering the union entire and total. The least possibility of a separate interest must be the source of endless quarrels and suspicions. The wife, not secure of her establishment, will still be driving some separate end or project, and the husband's selfishness, being accompanied with more power, may be still more dangerous."*

* Philosoph. Works, iii. p. 208, qu. Woolsey, p. 264.

In like manner speaks Lord Stowell, the eminent English lawyer and judge:—"It must be carefully remembered that the general happiness of the married life is secured by its indissolubility. When people understand that they *must* live together, except for a very few reasons known to the law, they learn to soften, by mutual accommodation, that yoke which they know they cannot shake off. They become good husbands and good wives; for necessity is a powerful matter in teaching the duties it imposes. If it were once understood that, upon some disgust, married persons might become legally separated, many couples who now pass through the world with mutual comfort, with attention to their offspring, and to the moral order of civil society, might have been at this moment living in a state of mutual unkindness, in a state of estrangement to their common offspring, and in a state of most licentious and unreserved immorality. In this case, as in many others, the happiness of some individuals must be sacrificed to the greater or more general good." *

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* Quoted by Woolsey, p. 267, from a decision cited by "Coleridge on Blackstone," 1,440.

To these may be added the following from Dr. Whewell, especially for the sake of the warning against rashness in entering upon marriage ties: "It is said that an engagement to retain our affection through life is absurd, since we cannot command our affections; and that to bind two persons together, who have begun to hate instead of love each other, is to inflict upon them an useless torment. But though we cannot command our affections, we can examine our hearts before we make the engagement. When this is faithfully done, married life itself, well conducted, tends to give permanency to affection; and nothing can more impress upon us the necessity of being faithful to our hearts in the choice we make, than the knowledge that the step, once taken, is taken for life. Again, this same knowledge, that the union cannot be dissolved, tends to control the impulses of caprice, ill-temper and weariness, in married life; and to keep two people together, and on the whole tolerably happy, who might have separated on some transient provocation, if divorce had been easily attainable. And thus, the exclusion of divorce tends both ways to the promotion of conjugal love and conjugal happiness."—Elements of Morality: Book v. chap. xiii. § 974.

IV.

What follows practically from these considerations?

My Brethren, we *all* have duties in this matter. We Priests as God's messengers are bound to proclaim boldly and lovingly His law, to explain and witness to the mind of Jesus Christ, who has elevated the holy estate of matrimony to be a type of the mystical union which is betwixt Him and His Church—a bond which *He* will never break.*

It is our duty to instruct the people of the high and holy ends for which marriage is instituted,—for the continuation of the human family, and the training up of children; as the English Prayer Book puts it, for the mutual society, help, and comfort that the one partner ought to have of the other, both in prosperity and adversity.

It is the duty of you all, Lay people, men and women, to seek to be rightly informed as to God's law concerning these relations; and to uphold a high standard of morality with regard to these subjects in society; to frown down and manifest disapproval of any violation of marriage fidelity or of purity, among the rich and influential as well as among the poorer classes of the community. Such a line may sometimes seem to involve severity in particular cases. But while you act with Christian charity and consideration towards those who through ignorance have transgressed (and always "love the sinner while you hate the sin"),

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* Eph. v. 28–30.—"What more irreconcilable with Divorce than these Apostolical precepts? If a man can hate his own body, his own self, his own flesh; if the Lord Jesus can hate and forsake His own Church; then there may be divorce from the marriage-bond among Christians. Not else." (Rev. John Keble, Author of *The Christian Year*.)
Compare St. Paul's argument in Rom. vii. 2; 1 Cor. vii. 2, 10, 11.

a consistent adherence to the law and standard of truth is, be assured, *real kindness* to all; a failure to bear this witness is cruelty even to *future* generations, who will inherit the debased traditions that you have failed to correct.

But especially, I appeal to you, my Brothers, business and professional men, to recognize your responsibility, as citizens and as voters; your responsibility to use your influence, to work, to agitate, if need be, for such reforms in the law of the State concerning Marriage and Divorce, as Religious, Moral and Patriotic considerations alike demand; to work for alterations which, if we cannot expect that the law of the country can be identical with the law of God, may make the civil law conflict as little as possible with the Divine law,—the two being harmonious if not co-extensive.

One special amendment I may suggest which would be the solution of many present difficulties, the restoration to our law of the now abolished *Legal Separation* "from bed and board," with a proper arrangement as regards both children and property—as distinct from *a Divorce full and absolute* from the marriage tie (so far as man attempts or pretends this). Such a form of separation may be necessary in some, allowable or desirable in other cases, for certain specified wrongs, as for the protection say of a wife and children from an incurably drunken or wanton husband and father.

Giving no permission to contract a fresh union, this kind of separation leaves open the door for future reconciliation, and does not conflict with the Divine Commandment. It is simply a suspension, under legal restraints or sanctions, of marriage rights and privileges, without the pretence of abolishing the marriage relation. The wiping out of this provision from the

Statute Book (in our own State but a few years ago) is one of the most fruitful causes of the difficulties under which we labour. It ought to be restored at the least as an alternative course to Divorce absolute in all cases except those for adultery.

And one other point ought not to be entirely passed over—the too frequent legal as well as social condoning of crimes against morality.

"The first laws of Massachusetts, after the manner of the Jews, made adultery a capital crime. In 1699, persons convicted of this crime were to be set on a gallows with a rope round the neck, and then they were to be whipped on the way to the jail, not exceeding forty stripes, and were to have a capital A, two inches long, 'of color contrary to their clothes,' sewed on the sleeve or back of the outer garment, so as to be in open view, and if such persons were found without this mark they were to be whipped, not exceeding fifteen stripes, for every neglect to wear it."*

Probably none would deem *such* punishment desirable, even if possible, nowadays. But the trifling sentences, whether judicial or social, which are all that such and like crimes often meet with, show we must fear a waning appreciation of the magnitude of such sins against God and crimes against society.

Vice is a deadlier crime against the community than is debasing the coin; and should be severely punished. Surely there is absurd inconsistency, if not actual hypocrisy, in the outcry of many for the forcible suppression of a certain legalized Polygamy in Utah, when Polygyny of another and in some respects worse type is winked at nearer home. With biting sarcasm, it has been said, "The great crime, according to prevailing

* Woolsey, p. 219.

ideas, is not in having many paramours, but in marrying them."*

At any rate, my Brethren, let us remember that we in the Church of Jesus Christ are bound by His Law; that the Church is to be a regenerating power in society, as she draws one after another out of the corruption which is in the world through lust, to obedience and sprinkling of the Blood of Jesus Christ.† Let us remember that the fashion of this world passeth away, while the effects of our conduct and relations here endure, leaving their indelible marks upon our character. And therefore let us seek that all our relations of life, domestic, social, yes and ecclesiastical too, may be really "in the Lord." May God grant to those of you who purpose to enter into this holy estate, to do so "not unadvisedly or lightly, but reverently, discreetly, advisedly, soberly, and in the fear of God."‡ May He grant to you who are married "so to live together" with your own partners in mutual love and fidelity, "that in the world to come you may together enjoy life everlasting."§ And let any who by voluntary choice abstain from earthly unions or whom God in His Providence has widowed of their earthly partners, remember that in the world to come, in the life of the resurrection, they neither marry nor are given in marriage, but are as the angels of God. Seek, my Brethren, one and all, to live worthy of that high ideal.

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* New York *Independent*, Feb. 16, 1882, article on "Polygamy and other Polygyny.

† 1 St. Peter i. 2; 2 St. Peter i. 4.

‡ Exhortation in the Form for the Solemnization of Matrimony.

§ Benediction in the Marriage Service.

APPENDIX I.

THE following petition to the State Legislature was adopted by the Convention of the Episcopal Church in the Diocese of Massachusetts, May 19, 1881:

"The Bishop, Clergy and Laity of the Protestant Episcopal Church in the Diocese of Massachusetts, in Convention assembled, held in Boston on the eighteenth and nineteenth days of May, 1881, being deeply moved by the growing laxity of morals in this Commonwealth as to the permanence of the marriage bond and the sacred unity of the family, and believing that the remedy lies largely within the power and wisdom of the General Court, do herewith respectfully memorialize and petition the General Court of this Commonwealth as follows:—

"In view, *First*, of the Christian law laid down in the holy gospels and epistles;

"In view, *Second*, of the alarming frequency and increase of libels of divorce, as shown in recent reports to your honorable body, by which it appears that the number of divorces in the last registered year is *two and one half* times greater than in 1860, and that the ratio of divorces to marriages, which in 1860 was as *one* to *fifty-one*, is in 1878 as *one* to *twenty-one and four tenths;* so that to every *forty-four* persons married two are likely to be concerned in a divorce;

"In view, *Third*, that the statute law, ignoring legal separation (*a mensa*), makes all decrees of divorce absolute (*a vinculo*), and allows remarriage to both parties without distinction and with little delay;

"In view, *Fourth*, of the possibility now offered to successive polygamy, by which a man may have a succession of wives, and a woman a succession of husbands, all at the same time living;

"In view, *Fifth*, of the increase of convictions for 'crimes against chastity, morality, and decency,' which in the same period with divorce have increased threefold;

"In view, *Sixth*, of the monstrous injury and injustice which frequent divorce inflicts upon innocent children, who, for no fault of theirs, are sentenced to a premature orphanage, and deprived of their natural birthright, which is the right first of all to nurture, protection, government, and an unsullied name, in the very family into which they were born, and at the hands of those very parents whose offspring they are;

"In view, *Seventh*, of the danger which threatens the morals of the people when the sanctity and durability of the marriage bond are impaired and vitiated: danger of strongly suggesting the very evils to be avoided; danger that marriage be hastily entered into and held in low esteem as an affair of convenience, and no longer binding than the selfishness or capricious will of either party may direct; danger of scandal, domestic strife, and immodesty; danger that our youth become demoralized, that the virtue of the people deteriorates, and that premature decay saps the foundations of the State:

"In view of all these considerations, we respectfully pray your honorable body to take such measures as in your wisdom may seem best,—

"*First.* To reinstate the law of divorce upon such basis as to distinguish between legal separation (*a mensa et thoro*) in necessary cases on the one hand, and absolute or full divorce (*a vinculo matrimonii*) on the other hand, and to grant absolute divorce only in cases of well-proved adultery.

"*Second.* To grant liberty to marry again, while both parties live, only to the innocent party in cases of divorce *a vinculo*, and after a lapse of time.

"*Third.* To permit the two parties to an absolute divorce to be reunited together again in marriage, after a lapse of

time, provided neither party shall have married in the mean time.

"*Fourth.* To provide, as far as practicable, that the punishment of adultery may be so sure and speedy that no temptation be offered to employ it as an instrument for procuring divorce.

"*Fifth.* To invest the law of marriage and divorce, so far as may be, with such precautions and protective formalities as to elevate marriage in the sight of the people, and so as, by reasonable publication of intention of marriage, to protect the community against hasty, wrong, and secret marriages, and against the risk and shame of numerous divorces.

"Believing that these measures involve through the family the best and truest interests of the State, your petitioners respectfully pray you to apply the needed remedy."

II.

THE NEW ENGLAND DIVORCE REFORM LEAGUE is composed of gentlemen from all leading Christian bodies, both Catholic and Protestant, and aims "to promote an improvement in public sentiment and legislation on the subject of divorce." Its officers are:

Rev. THEODORE D. WOOLSEY, D.D., LL.D., *President.*

Hon. JOHN D. LONG,
Hon. ISRAEL WASHBURNE, Jr., } *Vice Presidents.*

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WILLIAM G. BENEDICT, Esq., *Treasurer*,* 132 Federal Street, Boston.

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* By whom contributions in aid of the work of the League will be thankfully received.

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Hall, Arthur Crawshay Alliston, bp., 1847-
1930.
The Christian law concerning marriage and
divorce; a sermon preached at the Church of
the Advent, Boston, Sunday, April 16, and a
St. Anne's Church, Lowell, Mass., Sunday,
May 7, in Eastertide, 1882. Boston, A.
Williams, 1882.
28p. 19cm.

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1. Marriage. 2. Divorce. 3. Marriage--
Protestant Epis- copal Church in the
U.S.A. I. Title.

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